

REMARKS

The Final Office Action issued November 14, 2003, and the Advisory Action issued March 04, 2004 have been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claims 1 and 10 have been amended. Claims 1-24 are pending in this application. Applicants request reconsideration of the pending claims.

Applicants thank the Examiner for the telephone interviews conducted on May 14th and 25th, 2004. Based on the Examiner's suggestion in the telephone interview on May 25th, 2004, applicants herewith submit this amendment to simplify issues for appeal and to further explain their position as to why the rejection under 35 U.S.C. § 102 is inappropriate and should be withdrawn.

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dallmeyer et al. ("Dallmeyer") (U.S. Patent No. 6,499,668). Applicants respectfully traverse this rejection because Dallmeyer fails to teach or suggest each and every element of the claimed invention, as recited in claims 1 and 10.

Each of the independent claims 1 and 10 has been amended to particularly point out that applicants are claiming the steps in the order recited as sequential steps 1-4. In particular, each of independent claims 1 and 10 recites a method that can be achieved, in part, by assembling a fuel group by performing a series of processes in the following order of sequence steps 1-4: (1) inserting an adjusting tube into a fuel assembly; (2) inserting a biasing element into the fuel tube assembly; (3) inserting the armature assembly into the fuel tube assembly; and (4) connecting the seat assembly to the fuel tube assembly.

In contrast, Dallmeyer assembles a fuel group assembly differently than as recited in claims 1 and 10. Specifically, Dallmeyer states, at column 8, lines 3-4, 15-16, 30-31, and 32-34, that: (1) a pre-assembled seat and guide assembly is loaded into a valve body; before (2) an armature assembly is loaded into the valve body, thereafter; (3) a spring is loaded into the valve body; before (4) a filter/adjusting tube is loaded into the valve body. Thus, the sequence of assembly of the fuel group assembly of Dallmeyer is different than the sequence of assembly recited in each of claims 1 and 10.

Moreover, each of the claimed steps 1-4 involves the manipulation of different components than components shown and described in Dallmeyer. For example, claimed step 1 requires an adjusting tube and a fuel assembly instead of a pre-assembled seat and guide assembly and a valve body of Dallmeyer; claimed step 2 requires a biasing element and a fuel tube assembly instead of armature assembly and a valve body of Dallmeyer; claimed step 3 requires an armature tube assembly and fuel tube assembly instead of a spring and a valve body of Dallmeyer; and claimed step 4 requires a seat assembly and the fuel tube assembly instead of a filter/adjusting tube and the valve body of Dallmeyer.

The Examiner confirms that Dallmeyer fails to show or describe the claimed invention as a whole. In particular, the Examiner states that “[D]allmeyer et al do not teach the exact sequential order of assembly process as recited in claim 1” Because Dallmeyer fails to show or describe each and every element including the sequence of steps 1-4 and the components required for each of the steps, the Dallmeyer fails to anticipate the claimed invention as a whole as set forth in M.P.E.P. § 2131 (8th Ed. Rev. 1, Feb. 1, 2003). Accordingly, claims 1 and 10 are patentable over Dallmeyer.

Claims 2-9 and 11-24 depend from one of allowable claims 1 and 10, and are also allowable at least because claims 1 and 10 are allowable, as well as for reciting additional features.

Applicants respectfully request entry of the amendment because the amendment simplifies issues for appeal or in condition for allowance. Claims 1 and 10 have been amended to particularly point out that the order recited are sequential steps 1-4. No new search is required and no new issue has been raised as the exact sequence recited in the originally filed claims 1 and 10 was addressed by the Examiner in the Final Office Action. Accordingly, applicants respectfully request entry and allowance of the pending claims.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully request the reconsideration and reexamination of this application and allowance of the pending claims 1-24. Applicants respectfully invite the Examiner to contact the undersigned at (202) 739-5203 if there are any outstanding issues that can be resolved via a telephone conference.

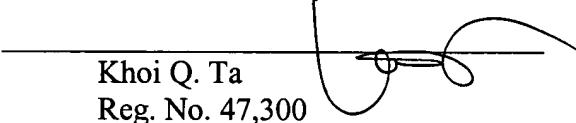
EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: May 26, 2004

By:


Khoi Q. Ta
Reg. No. 47,300

Customer No.: 009629

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.,
Washington, D.C. 20004
202.739.3000